

REMARKS

The Office Communication notes an objection to the drawings. Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Xu et al. (Implementation Techniques of IntServ/DiffServ Integrated Network-IEEE, Vol. 1 (hereinafter referred to as (Xu) in view of US patent No. 7,359,984 (hereinafter referred to as Hackney). Reconsideration of the rejection, objection and allowance of the pending claim is respectfully requested in view of the following remarks.

As requested by the Examiner, a New Sheet of Drawings is submitted with this response. This New Sheet of Drawings contains FIG. 3, which is a flow chart of the structural and/or operational relationships recited in claim 4. The specification was amended to provide agreement with new FIG. 3. In view of the foregoing considerations, the objection to the drawings noted in the Office Communication should be withdrawn.

Applicant respectfully submits that based on dates alone, Xu is not an appropriate reference for sustaining the §103 rejection noted in the Office Communication. Applicant submits together with this response a Declaration under 37 CFR 1.131 swearing behind the publication date of Xu. In view of the foregoing considerations, the combination of Xu and Hackney is not an appropriate combination of references to render claim 4 obvious and therefore the §103 rejection of this claim should be withdrawn.

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Conclusion

It is respectfully submitted that the claim pending in this application recites patentable subject matter, and it is further submitted that such a claim complies with all statutory requirements and thus such claim should be allowed.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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